

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

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| Case Caption: Carmen M. Segarra, Plaintiff, v. The Federal Reserve Bank of New York; Michael Silva; Michael Koh, and Jonathon Kim Defendants | District Court or Agency: Southern District-New York | Judge: Ronnie Abrams |
| | Date the Order or Judgment Appealed from was Entered on the Docket: April 24, 2014 | District Court Docket No.: 13-CV-07173 |
| | Date the Notice of Appeal was Filed: May 20, 2014 | Is this a Cross Appeal? Yes <input checked="" type="checkbox"/> No |

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|--|---|---|--|---|--|
| Attorney(s) for Appellant(s): <input checked="" type="checkbox"/> Plaintiff Defendant | Counsel's Name: Linda J. Stengle, Esquire | Address: Stengle Law 9 Lenswood Drive, Boyertown, PA 19512 | Telephone No.: (610)367-1604 | Fax No.: linda@lindastengle.com | E-mail: linda@lindastengle.com |
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| Attorney(s) for Appellee(s): Plaintiff <input checked="" type="checkbox"/> Defendant | Counsel's Name: David L. Gross, Esquire Thomas M. Noone, Esquire | Address: Federal Reserve Bank of New York 33 Liberty St. New York, NY 10045 | Telephone No.: (212) 720-2356 (212) 720-7749 | Fax No.: (212) 720-8709 | E-mail: david.gross@ny.frb.org thomas.noone@ny.frb.org |
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| Has Transcript Been Prepared? In part (see attached) | Approx. Number of Transcript Pages: 50 | Number of Exhibits Appended to Transcript: 0 | Has this matter been before this Circuit previously? Yes <input checked="" type="checkbox"/> No If Yes, provide the following: Case Name: 2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.) |
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ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION

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| 1. Federal Jurisdiction | | 2. Appellate Jurisdiction | |
| U.S. a party | Diversity | <input checked="" type="checkbox"/> Final Decision | Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b)) |
| <input checked="" type="checkbox"/> Federal question (U.S. not a party) | <input checked="" type="checkbox"/> Other (specify): Constitutional Violations | Interlocutory Decision Appealable As of Right | <input checked="" type="checkbox"/> Other (specify): Constitutional Violations |

IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.

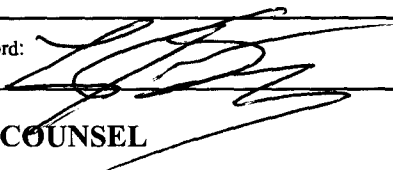
PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

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| 1. Stage of Proceedings <input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial | 2. Type of Judgment/Order Appealed <input type="checkbox"/> Default judgment <input checked="" type="checkbox"/> Dismissal/FRCP 12(b)(1) <input checked="" type="checkbox"/> Dismissal/FRCP 12(b)(6) failure to state a claim <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) frivolous complaint <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) other dismissal <input checked="" type="checkbox"/> Dismissal/other jurisdiction <input type="checkbox"/> Dismissal/merit <input type="checkbox"/> Judgment / Decision of the Court <input type="checkbox"/> Summary judgment <input type="checkbox"/> Declaratory judgment <input type="checkbox"/> Jury verdict <input type="checkbox"/> Judgment NOV <input type="checkbox"/> Directed verdict <input checked="" type="checkbox"/> Other (specify): <u>Constitutional Violations</u> | 3. Relief <input checked="" type="checkbox"/> Damages: <u>No evidence</u> <input checked="" type="checkbox"/> Sought: \$ <u>taken</u> Granted: \$ <u>0</u> Denied: \$ <u>0</u> Injunctions: Preliminary Permanent Denied |
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PART C: NATURE OF SUIT (Check as many as apply)

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| 1. Federal Statutes Antitrust Bankruptcy Banks/Banking Civil Rights Commerce, Energy Commodities <input checked="" type="checkbox"/> Other (specify): <u>12 U.S.C. 1831j</u> Communications Consumer Protection Copyright <input type="checkbox"/> Patent Trademark Election Soc. Security Environmental Freedom of Information Act Immigration Labor OSHA Securities Tax | 2. Torts Admiralty/ Maritime Assault / Defamation FELA Products Liability <input checked="" type="checkbox"/> Other (Specify): <u>State tort violations</u> | 3. Contracts Admiralty/ Maritime Arbitration Commercial Employment Insurance Negotiable Instruments Other Specify | 4. Prisoner Petitions Civil Rights Habeas Corpus Mandamus Parole Vacate Sentence Other |
| 5. Other Forfeiture/Penalty Real Property Treaty (specify): _____ <input checked="" type="checkbox"/> Other (specify): <u>State Statute violations and Constitutional Violations</u> | 6. General Arbitration Attorney Disqualification Class Action <input checked="" type="checkbox"/> Counsel Fees Shareholder Derivative Transfer | 7. Will appeal raise constitutional issue(s)? <input checked="" type="checkbox"/> Yes No Will appeal raise a matter of first impression? <input checked="" type="checkbox"/> Yes No | |

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| 1. Is any matter relative to this appeal still pending below? Yes, specify: _____ <input checked="" type="checkbox"/> No | | | |
| 2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which: | | | |
| (A) Arises from substantially the same case or controversy as this appeal? | | Yes | <input checked="" type="checkbox"/> No |
| (B) Involves an issue that is substantially similar or related to an issue in this appeal? | | Yes | <input checked="" type="checkbox"/> No |
| If yes, state whether "A," or "B," or both are applicable, and provide in the spaces below the following information on the other action(s): | | | |
| Case Name: | Docket No. | Citation: | Court or Agency: |
| Name of Appellant: | | | |

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| Date: 6/03/2014 | Signature of Counsel of Record:  |
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NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

- Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
- File the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit in accordance with LR 25.1.
- Pay the \$505 docketing fee to the United States District Court or the \$500 docketing fee to the United States Tax Court unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.